

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

3D DESIGNS, INC.,

Plaintiff,

vs.

DEMPSTERS LLC, DEMPSTERS
MANUFACTURING LLC, and RYAN
MITCHELL,

Defendants.

4:20CV3063

SHOW CAUSE ORDER

On June 8, 2020, Plaintiff 3D Designs, Inc. filed its complaint, naming three defendants: Dempsters, LLC, Dempsters Manufacturing, LLC, and Ryan Mitchell. ([Filing No. 1](#)).

Pursuant to the court's rules, a complaint must be served within 90 days of filing the lawsuit. As to each defendant:

- 1) Plaintiff has not filed a return of service indicating service on Defendant Dempsters, LLC, and Defendant Dempsters, LLC has not voluntarily appeared.
- 2) Plaintiff did file a return of service indicating that the summons was returned executed as to Dempsters Manufacturing, LLC, with service executed on June 10, 2020. However, Dempsters Manufacturing, LLC has not appeared, answered, or otherwise responded to Plaintiff's complaint and the time for doing so has passed.

- 3) Plaintiff has not filed an executed return of service as to Ryan Mitchell. However, on September 11, 2020, Plaintiff informed the court of its efforts to serve Mr. Mitchell, who resides in Ontario, Canada. Plaintiff indicates that it has attempted to serve Mr. Mitchell, but due to the COVID-19 pandemic, the Canadian judicial system has experienced an interruption in its ability to execute service on individuals residing in Canada who are summoned to appear in United States courts.

Accordingly, IT IS ORDERED:

As to Dempsters, LLC and Dempsters Manufacturing, LLC, Plaintiff shall have until September 28, 2020 to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action, as to the above-referenced defendants, without further notice.

IT IS FURTHER ORDERED that beginning on September 28, 2020, and every 30 days thereafter, Plaintiff shall provide the court with a status update as to its progress and efforts in obtaining service on Defendant Ryan Mitchell.

Dated this 21st day of September, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge